

## **HAMPTON PLANNING BOARD – MINUTES**

August 20, 2003

**PRESENT:** Thomas Gillick, Chairman  
Robert Viviano, Vice Chairman  
Tracy Emerick, Clerk  
Tom Higgins  
Jack Lessard  
Keith Lessard

**ABSENT:** Skip Sullivan, Selectman  
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. K. Lessard to lead the Pledge of Allegiance.

### **I. CONTINUED PUBLIC HEARINGS:**

- 1) Golden Corridor & Hampton Harbor Condominiums, LLC  
Lot Line Adjustments at  
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road  
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63;  
Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;
- 2) Golden Corridor & Hampton Harbor Condominiums, LLC  
Site Plan Review for 21-unit Townhouse Condominium Development at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC
- 3) Golden Corridor & Hampton Harbor Condominiums, LLC  
Special Permit Application for work within the Wetland Conservation District  
associated with the multifamily Site Plan application at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

### **II. NEW PUBLIC HEARINGS:**

- 1) Golden Corridor & Hampton Harbor Condominiums, LLC  
Waiver Request: Site Plan Regulations Section VII.D.2 (increase in stormwater runoff at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

Attorney Peter Saari was present to represent the applicant. Mr. Gillick read a memo dated August 19, 2003, from Mr. Saari, requesting postponement of these applications until the September 17, 2003 meeting.

Mr. J. Lessard **MOTIONED** to continue all four referenced Golden Corridor Phase II applications to the September 17, 2003 Planning Board meeting, at the applicant's request. Mr. Viviano **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

**I. OLD BUSINESS:**

- 1) Richard A. & Ruth E. Bley  
8-Lot Subdivision at  
Timber Swamp Road  
Map 137, Lot 1  
Waivers Requested: Subdivision Regulations VII.C.2 (Stormwater Runoff)  
Owners of Record: Same as Above  
*Jurisdiction Accepted May 7, 2003, extended by applicant*
- 2) Richard A. & Ruth E. Bley  
Special Permit Application for construction of culverts, wells and water lines  
within the Wetlands Conservation District associated with 8-Lot Subdivision at  
Timber Swamp Road  
Map 137, Lot 1  
Owners of Record: Same as Above

Mr. Peter Saari, Attorney representing the applicant, Mr. Richard Bley, applicant, Mr. Eric Weinrib and Mr. Tobin Farwell, Altus Engineering were all present. Mr. Gillick referenced a memo from Ambit Engineering dated August 19, 2003, which commented on the existing flood conditions on Timber Swamp Road and recommended maintenance improvements as well. Mr. Gillick then read John Hangen's memo dated August 20, 2003 into the record that states, in part, that the DPW remains opposed to the referenced Waiver Request concerning onsite storm water containment.

**OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.**

Mr. K. Lessard **MOTIONED** to deny the Waiver Requested: Subdivision Regulations Section VII.C.2. Mr. J. Lessard **SECONDED**. **VOTE: 4 = YES / 2 = OPPOSED** (Mr. Emerick & Mr. Higgins) **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Emerick **MOTIONED** to continue the 8-Lot Subdivision Application and Special Permit Application for construction of culverts, wells and water lines within the Wetlands Conservation District associated with 8-Lot Subdivision at Timber Swamp Road Map 137, Lot 1 to the September 3, 2003 Planning Board meeting subject to:

- 1) Resolution of the storm water drainage issue with Department of Public Works (see John Hangen memo dated August 20, 2003, 1<sup>st</sup> paragraph).

Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 3) Vertical Building & Development Company, LLC  
Site Plan Review for 49 Unit Condominium with 2 retail stores at  
Ocean Boulevard, J & K Streets  
Map 293, Lot 008; Map 290, Lots 144, 145, & 146  
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;  
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.

Mr. Peter Saari, Attorney for the applicant and Mr. Stephen Yas, Architect for this project were present. Mr. Gillick asked if there were any new changes or information, Mr. Saari and Mr. Yas answered there was nothing new to establish. Mr. Gillick referenced a public comment letter from various abutters dated August 18, 2003, requesting to have the public hearing remain open. Also, Mr. Gillick refers to a memo from Mrs. Kimball dated August 19, 2003 where he highlighted a minimum of conditions may apply should the Board decide to take any action tonight, which would include conditions mentioned in Mrs. Kimball's memo dated March 4, 2003, #17 through #24.

Mr. Gillick opens for Board comments. Mr. Viviano referenced memo from Scott McDonald dated August 5, 2003, and his concern was the phrase 'adequate'. Mr. Higgins concerns were regarding the garage doors and awnings. Mr. Emerick stated he is in favor of the site plan approval. Mr. K. Lessard has concerns with the height variances and adequate setbacks. Mr. J. Lessard stated he was in favor of the site plan approval. Mr. Gillick referenced and read from the site plan regulations section IV, paragraph B, #4. Also, Mr. Gillick referred to Mr. Cecil's testimony where he states the plan does not comply with the Master Plan.

Mr. Yas clarified that the garage doors would be designed to buzz, beep, have a mirror or lighting available to warn pedestrians of oncoming traffic, and that awnings can be a condition, as well, should the Board approve the plan.

Mr. Emerick **MOTIONED** to approve Site Plan #02141, dated February 13, 2003, for 42 Unit Condominium with 2 retail stores at Ocean Boulevard, J & K Streets, Map 293, Lot 008; Map 290, Lots 144, 145, & 146 subject to:

- 1) Mrs. Kimball's memo dated March 4, 2003, #17 through #24,
- 2) Mrs. Kimball's memo dated August 19, 2003 stating the following:
  - Approval of street tree species by DPW prior to installation,
  - Approval of street tree location/installation by the Board of Selectmen (if within the right-of-way) prior to final approval,
  - Receipt and approval of necessary sewer permit prior to issuance of a building permit,
  - Construction within Town and/or State right-of-way shall receive final approval by respective authority prior to final approval,
  - Compliance with fire prevention measures as outlined in Stephen Yas 6/5/03 letter,
  - Driving piles to be completed after Seafood Festival and prior to Memorial Day,

- Compliance with outstanding items listed in Ambit Engineering letter of 7/16/03 (attached) and sign off by Ambit prior to final approval,
  - Availability of public water service from Aquarion Water (or its successor) provided prior to issuance of building permit,
  - Compliance with outstanding items in J. Kimball's 3/4/03 memorandum (attached), specifically items 17 through 24. All items completed prior to final approval, except certificate of monumentation, which shall be bonded,
  - Submittal of surety to cover off-site improvements, sewer and storm drainage, sidewalk improvements, street trees, monumentation, and engineering certification,
  - Venting of exhaust from parking areas to the roof,
  - Appropriate easements for sidewalks to be submitted by applicant, reviewed by Town Counsel and accepted by Town prior to final approval,
  - Rubbish shall be privately collected,
  - Variances for said project must be upheld,
- 3) the garage doors would be designed to buzz, beep, have a mirror or lighting available to warn pedestrians of oncoming traffic, and,
- 4) awnings to be installed.

Mr. Higgins **SECONDED**. **VOTE: 3 = YES / 3 = OPPOSED** (Mr. K. Lessard, Mr. Viviano, & Mr. Gillick). **MOTION FAILS.**

Mr. J. Lessard **MOTIONED** to continue the Site Plan Review for 42 Unit Condominium with 2 retail stores at Ocean Boulevard, J & K Streets, Map 293, Lot 008; Map 290, Lots 144, 145, & 146 to the September 3, 2003 Planning Board meeting. Mr. Higgins **SECONDED**. **VOTE: 5 = YES / 1 = OPPOSED** (Mr. Viviano). **MOTION PASSES IN THE AFFIRMATIVE.**

## **II. CONSIDERATION OF MINUTES – August 6, 2003:**

Mr. K. Lessard **MOTIONED** to approve the minutes as written. Mr. J. Lessard **SECONDED**. **VOTE: ALL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

## **III. CORRESPONDENCE:**

No correspondence to be discussed this evening.

#### **IV. OTHER BUSINESS:**

Mr. Gillick referred to a note written by Mrs. Kimball regarding the Master Plan – Future Land Use Subcommittee is still meeting. Plans are to hold a large public workshop on Tuesday, September 30, 2003 (evening) and Saturday, October 4, 2003, (morning). Mr. K. Lessard offered a brief outline of the purpose and agenda scheduled. More will be forthcoming regarding this subject. Additionally, the Conservation Commission has yet to appoint a substitute member, Mr. Gillick encouraged the Planning Board members to solicit a substitute.

Mr. Gillick announced that on September 2, 2003, Mr. Barrington, Mrs. Kimball, and he will be interviewing candidates that applied for the Temporary Town Planning position, which will cover Mrs. Kimball's absence during her maternity leave.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,  
Janine L. Fortini  
Planning Board Secretary